United Nations A/C.4/54/SR.8

General Assembly
Fifty-fourth session
Official Records

Distr.: General
24 November 1999
English
Original: French

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 8th meeting
Held at Headquarters, New York, on Monday, 11 October 1999, at 3 p.m.

Chairman: Mr. Morales ..... (Spain)

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99-81526 (E)

The meeting was called to order at 3.05 p.m.

Agenda item 89: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/54/73 and Add.1, 181-185 and 325)

1. **Mr. De Saram** (Sri Lanka), speaking as Chairman of the Special Committee, introduced the thirty-first annual report of the Special Committee to the General Assembly (A/54/325), noting that it had been preceded by two periodic reports (A/54/73 and Add.1) but that he would refer principally to the annual report.

2. As in previous years, the Special Committee had received the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic and of Palestinian representatives. In Egypt and Jordan, its representatives had received the oral testimony of persons residing in the occupied territories as well as written material. In the Syrian Arab Republic, they had received the testimony of persons who did not reside in the occupied territories but had remained in contact with inhabitants of the occupied Syrian Arab Golan. It was unfortunate that the Israeli authorities had denied Special Committee members access to the occupied territories. It was important for the Committee to go there in order to be directly informed about the human rights situation and to ascertain directly the views of the Israeli authorities on matters within its purview.

3. Persons making statements to the Special Committee had been cautioned as to the significance of their statements, and the statements had been made under oath. A number of Israeli nationals concerned with human rights in the occupied territories had given impressive testimony. The Special Committee had also received excerpts of reports appearing in the Israeli press and in the Arab press published in the occupied territories. The material provided to the Special Committee by the Governments of Egypt, Jordan and the Syrian Arab Republic was outlined in the report, and the annex listed other documents of relevance that had not been reproduced but were available for consultation. The report was but a fraction of the vast body of information provided under oath that been received by the Special Committee, all of which could be consulted in the records maintained by United Nations verbatim reporters.

4. The Special Committee had communicated with the Secretary-General and the United Nations High Commissioner for Human Rights for the purpose of bringing to their attention certain specific recommendations made in the concluding paragraphs of its 1998 report to the General Assembly (A/53/661) and restated in paragraph 264 of its 1999 report (A/54/325). The Special Committee had also been in communication with the International Labour Organization and the World Health Organization with reference to matters relating to the occupied territories.

5. With regard to the occupied territories of Gaza, the West Bank and East Jerusalem (report, paras. 35-215), the Special Committee had ascertained that the Israeli authorities had set up an extensive system of laws, regulations and administrative procedures that were oppressive and discriminatory against Palestinians. Chapter IV of the report dealt with the following questions that the Special Committee considered particularly important: (i) the construction of new settlements and the expansion of existing ones and the building of bypass roads, the fragmentation of the land, the environmental problems resulting from the establishment of settlements, and the tension and violence aroused by the presence of armed settlers; (ii) the utilization of water, with the settlers clearly in a privileged position; (iii) the restrictions on the construction or expansion of Palestinian housing and the demolition of houses constructed or expanded without the required authorization, which was very difficult to obtain; (iv) the restrictions that applied to East Jerusalem, especially with regard to residence, and the alteration of the city limits, with the establishment of Jewish settlements within or in close proximity to East Jerusalem; (v) the system of administrative detention, the conditions of detention and the arbitrary extensions of detention, and the methods of interrogation, which were contrary to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as attested to by a number of persons, including Israeli nationals; (vi) the disruptions caused to employment, trade, education and health care by restrictions on movement; and (vii) the effect of such a long period of occupation on families and children.

6. Chapter V concerned the situation of human rights in the Syrian Arab Golan occupied by Israel in 1967 and "annexed" in 1981. The purported annexation had been declared null and void by the General Assembly and the Security Council. The Special Committee had been informed that the occupation of the Syrian Arab Golan was in itself one of the most serious forms of human rights violations. The identity and culture of the Syrians under occupation were being seriously and intentionally modified, the school curricula were being altered in a manner that misrepresented Syrian culture and history and marginalized the Arab heritage and language of the Golan Syrians. Steps were also being taken to deliberately change the demography of the

occupied Golan, in particular by increasing the number of settlers and expanding existing settlements.

7. Water continued to be a serious problem in the occupied Golan. The Israeli authorities exercised a strict control over water resources and gave privileges to the settlements with respect to water utilization, to the detriment of the Syrians, who were primarily farmers. There were few employment opportunities in the occupied Golan, prices for agricultural produce were low and taxes were heavy. The health care was inadequate and the population was subjected to arbitrary arrest and detention. Relations between the settlers, who were armed, and the Syrian population of the occupied Golan were tense and often violent, particularly where settlements were situated close to Syrian villages. The landmines that had been placed over a large part of the occupied Golan were a serious threat to the population and it was believed that they had not been removed by the Israeli authorities because they served to prevent the expansion of Syrian villages. Freedom of movement was restricted and families living on either side of the line of demarcation were separated and had difficulty communicating with each other.

8. The overriding impression of the three members of the Special Committee had been an altogether troubling one, which was summed up in paragraphs 253 to 257 of the report. The Special Committee considered it important that the General Assembly and other relevant bodies should continue to pay close attention to the occupied territories and take active steps to improve the difficult situation prevailing there. The Special Committee considered it important to reaffirm once again, in paragraph 264 of its report, the recommendations it had made in the conclusions to its 1998 report.

9. The Special Committee was of the view that conditions in the occupied territories were in a number of respects not in keeping with contemporary human rights requirements or with the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which General Assembly resolutions had declared applicable to the occupied territories.

10. A few encouraging developments should be noted in conclusion, in particular the recent resumption of dialogue in the peace process, the decision of the Supreme Court of Israel to prohibit certain methods of interrogation, the steps recently taken to facilitate freedom of movement somewhat, and the concern of certain Israelis at the human rights situation in the occupied territories. They were to be welcomed, even if the circumstances in the occupied territories remained on the whole discouraging.

11. **Ms. Nasser** (Palestine) expressed regret that once again the report relevant to agenda item 89, which was extremely important for her delegation and for the international community, had been delayed. At the dawn of the twenty-first century, the landscape of the Middle East continued to be defined by the Israeli occupation of Palestinian territory, including Jerusalem, and by the deplorable situation of the Palestinian people. The Special Committee's mandate continued therefore to be relevant until the Israeli occupation was brought to an end.

12. Although there had been progress recently in the dialogue between Palestinians and Israelis within the framework of the peace process, in particular the signature on 4 September 1999 of the Sharm el-Sheikh Memorandum with the new Israeli Government, Israel continued to violate international law and international humanitarian law, including the Fourth Geneva Convention, as well as the relevant resolutions of the Security Council and the General Assembly. Those violations had continued during the period in question, causing countless hardships for the Palestinian people, aggravating their living conditions and in many cases impeding genuine economic development. The frequent use of collective punishments, including the demolition of homes, the imposition of closures and curfews and other restrictions on the freedom of movement of persons and goods constituted a violation of the fundamental rights of the Palestinian people. Administrative detentions and the harassment, physical maltreatment and torture of Palestinian prisoners also persisted.

13. However, among the violations that Israel continued to commit during the period in question, the case of illegal colonial settlements stood out. Such illegal practices involved many violations of international law and international humanitarian law, such as the confiscation of land and property for the building of colonies and bypass roads, the exploitation and theft of natural resources and the transfer of more Israeli settlers into the occupied Palestinian territory. The acts of violence perpetrated by extremist settlers were a direct result of those illegal activities. Israeli practices with regard to the illegal settlements were clearly part of an ongoing attempt to change the status of the occupied territory or parts of it and to change the demographic composition of the territory by creating a de facto situation. That strategy was an integral part of the Israeli campaign to Judaize occupied East Jerusalem by making changes to its legal status, character and demographic composition. Settlement activities were not only illegal but were also in violation of the agreements reached between the two parties and, if they continued, would result in the destruction of the peace process.

14. Those Israeli practices were a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which was applicable to all of the occupied Palestinian territory, including Jerusalem. The applicability of the Fourth Geneva Convention had been confirmed repeatedly by numerous resolutions of the Security Council, the General Assembly and other bodies of the United Nations. She recalled in that regard the recent convening of a conference of High Contracting Parties to the Fourth Geneva Convention to discuss measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its implementation. It had been the first time in the history of the Convention that a conference had been held to consider a specific situation. The conference represented an extremely important step not only with regard to the situation in the occupied Palestinian territory, including Jerusalem, but also with regard to international humanitarian law and efforts to ensure respect for its instruments. It was imperative that the Israeli Government accept the *de jure* applicability of the Fourth Geneva Convention and fully implement its provisions.

15. She hoped that progress would continue and that the current situation would soon change. The peace process would, however, be stalled so long as Israel continued to violate the rules of international law and international humanitarian law as well as the relevant resolutions of the United Nations. Respect for the provisions of those instruments was a prerequisite to progress in the peace process and to true improvement in the living conditions of the Palestinian people and the human rights situation. In conclusion, she expressed her deep regret that the Israeli authorities continued to refuse to cooperate with the Special Committee, which remained an important body for the accomplishment of the mission of the United Nations, with a permanent responsibility for ensuring a resolution of the situation in Palestine until such time as a comprehensive settlement could be reached.

16. **Mr. Keene** (United States of America) said that his Government believed that the terms employed in the resolutions under agenda item 89 contained outdated language that failed to support the peace process. While recognizing that the road towards peace was a long and difficult one, the many accomplishments of the negotiating partners could not be ignored, the most recent being the signing of the Sharm el-Sheikh Memorandum. The Fourth Committee should assist in building confidence rather than lessening it. He strongly urged Member States to delete the standard call for the Special Committee to continue its work and report the following year. The Special Committee was an anachronism whose existence was inconsistent with the joint efforts of Israel and the Palestinians to resolve their differences. Governments which supported peace must seek to create an enabling environment for reconciliation in order to help attain the goal shared by all: a just, lasting and comprehensive peace in the region.

17. He reaffirmed that the Fourth Geneva Convention applied to the territories occupied by Israel since 1967, but opposed specific reference to Jerusalem in the resolutions in question because, just as the conference of 15 July attended by some High Contracting Parties had served only to divert attention from the peace process, such references sought to prejudge arrangements which could be determined only by direct negotiations between the parties.

18. **Ms. Silfverberg** (Finland), speaking on behalf of the European Union, the Central and Eastern European countries associated with the European Union, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and the associated countries of Cyprus and Malta, welcomed the signing of the Sharm el-Sheikh Memorandum on 4 September 1999, which had given renewed impetus to the Middle East peace process. It had been a decisive event which had re-established confidence and had been an important move towards the goal shared by all: a just, lasting and comprehensive peace in the region. The European Union hoped that the implementation of the Memorandum would contribute to improving the serious economic situation in the Palestinian territories and to alleviating the feelings of despair and frustration among the Palestinian people. It encouraged the Israeli Government to meet its responsibilities fully by promoting favourable conditions for economic development which would contribute to a reduction in the tension and violence in the region and to the promotion of political stability and peace.

19. The newly rebuilt trust between the parties was a very important step towards reaching that goal and the parties must refrain from any unilateral acts which might become a source of new tension or prejudge the outcome of the final status of negotiations. The European Union condemned in the strongest terms all the acts of terrorism which had followed the signing of the Sharm el-Sheikh Memorandum and called on the parties to deny success to those who were seeking to frustrate the peace process by provocative actions.

20. The European Union had noted the positive developments but still viewed with concern some policies applied by the Israeli Government in the West Bank and Gaza Strip. It was however convinced that the questions addressed by the Special Committee would be better dealt with in a different context more favourable to the spirit of

compromise and mutual understanding. The breakthrough agreement achieved in Sharm el-Sheikh had already led to the resumption of the permanent status negotiations and envisaged the speedy implementation of outstanding commitments under the Interim Agreement. The European Union was ready to be fully associated, through a significant political and economic contribution, with the implementation of the Sharm el-Sheikh Memorandum if the parties so desired, and to contribute to the discussions at the final status negotiations.

21. **Mr. Aboul Gheit** (Egypt) expressed dissatisfaction at the late distribution of the Special Committee's report. He hoped that in the future documents would be issued within the time limits set by the General Assembly.

22. His delegation had thoroughly studied the Special Committee's report for 1999, which unfortunately again showed that the occupying Power was using all its capabilities to alter the situation on the ground and impose a de facto situation on the territories which it had occupied by force in 1967, in defiance of General Assembly and Security Council resolutions and the rules of international law, and heedless of its obligations as an occupying Power under the Fourth Geneva Convention of 1949.

23. The main threat to the peace process consisted in the occupying Power's settlement activities in the occupied territories. His delegation was greatly concerned at the expansion of settlements and the increase in the numbers of Israeli settlers in the West Bank and the Gaza Strip, as well as in occupied East Jerusalem. One of the occupying Power's objectives was to disrupt the geographic unity of the West Bank and to cut it in two by establishing settlements extending from Jerusalem to the Dead Sea.

24. The report described other most disturbing practices relating to the exploitation of water resources, housing, building permits, the demolition of Palestinian homes, administrative detention, checkpoints, and the closure of the territories, all measures which were not conducive to the establishment of peace. The Conference of the High Contracting Parties to the Fourth Geneva Convention, held on 15 July 1999, had issued a final statement confirming that the Fourth Geneva Convention was applicable to the occupied Palestinian territories and requesting Israel scrupulously to fulfil its obligations in accordance with the Convention.

25. His delegation believed that the Israeli settlement policy, especially in occupied East Jerusalem, constituted a threat to peace in the region and nullified the prospects of restoring peace, inasmuch as it rendered the negotiating process meaningless. It was also alarming to observe that Israel was continuing to encourage settlers to reside in the occupied Golan, in total contradiction to the Israeli Government's statements about its intention to resume negotiations with Syria. The Israeli Government should clarify its position in that regard. Certainly the formation of a new Israeli Government in 1999 had brought new hope for the resumption of the peace process, especially after the signing of the Wye River Memorandum implementation agreement at Sharm el-Sheikh on 4 September 1999. His delegation hoped that Israel would honour its obligations in accordance with the agreements that had been reached.

26. **Mr. Agam** (Malaysia) said that it was regrettable that the Special Committee had been unable to visit the occupied territories to assess the human rights situation at first hand and to ascertain the views of the Government of Israel on the subject. The Special Committee had endeavoured to produce a valid report on the basis of other agencies' reports and detailed testimony, including testimony from Israelis working in the field of human rights, on such matters as the demolition of houses and the detention of Arabs in Israeli prisons.

27. The report showed that the human rights situation in the occupied territories had remained very much the same as in previous years: the Israeli authorities were continuing to pursue their repressive practices, with a heavy psychological impact on the Arabs living under Israeli occupation. The situation was especially serious in East Jerusalem, where Israel was taking various measures in an effort to reduce the number of Arab residents, pursuing a policy of Judaization, as was evident from the increase in the number of Israeli inhabitants as a result of, *inter alia*, the construction of the new settlement of Har Homa on Jebel Abu Ghneim and new Israeli housing in Ras Al Mud.

28. His delegation agreed with the view that there would no longer be any need for the Special Committee to investigate Israeli practices once the interim agreement between Palestine and Israel had been implemented. In the past, unfortunately, Israel's implementation of duly concluded agreements had been less than exemplary. In the meantime, it was imperative that the people living under Israeli occupation should be able to make their voices heard through the channel of the Special Committee. If the international community was not to disregard the principles upon which the United Nations had been founded, it must continue to monitor the human rights situation in the occupied territories for as long as necessary.

29. His delegation welcomed the Sharm el-Sheikh agreement between Palestine and Israel, and hoped that it

would lead to a final settlement of the Palestinian-Israeli issue, and ultimately the entire Arab-Israeli question.

30. **Mr. Ka** (Senegal) welcomed the signing of the Sharm el-Sheikh agreement between the Israeli and Palestinian authorities and a recent agreement that would enable Palestinians to travel back and forth between the Gaza Strip and the West Bank. Those were practical actions that would improve the difficult living conditions of the Palestinians of the occupied territories. However, much remained to be done, as the Special Committee's report noted. Israel continued to apply illegal measures and to build or expand settlements, in East Jerusalem in particular, despite the condemnation by the international community. Further human rights violations were occurring even as a process of peace and future coexistence appeared to be under way.

31. Greater efforts were required in order to give fresh impetus to the peace process and ensure that the relevant Security Council and General Assembly resolutions were implemented. The Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War was applicable to all the territories that had been occupied since 1967, as appeared from the resolution to that effect adopted by the tenth emergency special session of the General Assembly and the recent recommendations of the Geneva conference of July 1999.

32. In order to restore peace and security to the region, the concerned parties should rely on reason and dialogue, recognizing the legitimate rights of the Palestinian people, the dignity of the Arab population of the occupied territories and the inalienable rights of the Palestinian people to self-determination and the establishment of their own State.

33. The Special Committee retained its mandate and should pursue its important work of protecting and safeguarding the human rights of the people of the occupied territories, until such time as a just and lasting peace encompassing all the countries of the region, including Israel, had been achieved.

34. **Mr. Al-Hadidi** (Jordan) thanked the Special Committee for the efforts it had devoted to the preparation of its report on the practices under review, which, astonishingly, were continuing even as the States and peoples of the region were doing their utmost to achieve peace. The practices in question were regrettable, as they resulted in the deterioration of the social, economic and humanitarian situation in the occupied Palestinian territories and thus did no service to the cause of peace.

35. Israel's ongoing policy of establishing settlements in the West Bank, including Jerusalem, and the other occupied Arab territories violated the resolutions adopted by the international community, which had declared those settlements illegal, obstructed a peaceful settlement, and were incompatible with the principles upon which the peace process was based.

36. Year after year, his country had called for peace in the region, which had suffered from war and destruction. In that spirit, Jordanian representatives had gone to Madrid with their Syrian, Palestinian and Lebanese brothers with a view to jump-starting the peace process, and in the same spirit the peace agreement between Jordan and Israel had been signed in 1994. That agreement had been an important step on the road to a comprehensive, just and lasting settlement and an example of cooperation in the Middle East, where social development had been obstructed by crises and wars. Palliative measures and temporary solutions that did not go to the root of the problem would not bring about a settlement; that could be achieved only by addressing the underlying causes and implementing the peace agreements that had been reached. The establishment of peace was conditional upon a just solution to the Palestinian question, which lay at the heart of the Arab-Israeli problem, although naturally it was essential to conclude peace with Syria and Lebanon as well. The Wye River Memorandum was important for the reinvigoration of the peace process and the restoration of confidence and cooperation between the Palestinian and Israeli authorities, as well as for a renewal of confidence in the peace process on the part of the peoples of the region. The signing of the Sharm el-Sheikh agreement offered grounds for hope that the final status negotiations would lead to the hoped-for just settlement. Unfortunately, Israel was still engaging in its illegal practices, violating the rights of the Palestinian people and disregarding the terms of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and consequently the peoples and authorities of the region had come to doubt that peace was attainable. His delegation hoped that the new Government of Israel, which had been given a clear mandate to reach a just and comprehensive peace, would fulfil the commitments it had assumed under existing agreements and would put an end to its practices and the consequences to which they led. Before peace could be attained, the Palestinian issue would have to be settled, and it was essential to find a just, comprehensive solution that would end the occupation in all its forms. Only then would the Palestinian people be able to exercise its right to self-determination in its own land and inaugurate a just, comprehensive and lasting peace based on the peaceful principles that had been agreed upon, for the benefit of future generations.

37. **Mr. Al-Hosani** (United Arab Emirates) noted that the recent turn of events in the context of the peace process had produced tangible results in the form of the Sharm el-Sheikh agreement. Despite that welcome development, the Israeli Government was continuing its policy of establishing Jewish settlements and confiscating Palestinian land, especially in East Jerusalem, in the area around Jerusalem, and in the Syrian Golan, and was still engaging in practices that adversely affected the human rights of the Palestinian people, with the result that in Jerusalem, the demographic, legal, cultural and historic situation was being altered. Those Israeli practices constituted flagrant violations of the relevant resolutions of the General Assembly and the Security Council, and contravened the provisions of agreements that had been signed between Palestinians and Israelis, as well as those of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, as had been reaffirmed at the Conference of the High Contracting Parties held in Geneva on 15 July 1999. It was most regrettable that the Special Committee was unable to visit the occupied territories to observe at first hand the actual human rights situation of the Palestinian and Syrian inhabitants.

38. His delegation, deeply committed as it was to the attainment of a comprehensive, just and lasting settlement, reaffirmed that territory could not legitimately be acquired by force. The international community in general, and the sponsors of the peace process in particular, should redouble their efforts to induce the Government of Israel to fulfil its international commitments, which were based on the principle of land for peace, with a view to the inauguration of peace in all its aspects. Only thus would stability, security, and sustainable economic and social development be attainable in the region.

The meeting rose at 4.45 p.m.